

REMARKS

Status of Claims

Claims 1, 2, 5, 8 - 13, 19 are pending in the application. Claims 1, 8, 9, 11 and 12 have been amended so they are now directed to the examined subject matter as indicated in the office communications of December 14, 2009 and February 22, 2010. The amendment of claims 1, 8, 9, 12 and 19 further clarifies the language regarding pharmaceutically acceptable salt. Claim 5 has been amended to update its dependency. Claims 3-4, 6-7 and 17-18 have been canceled. Claims 14-16 have been withdrawn as being directed to non-elected invention. The above-noted cancellation and amendment of claims are made without prejudice, and Applicants reserve the right to pursue all canceled subject matter in a future divisional application.

Restriction Requirement

The Examiner has maintained the restriction requirement and further restricted examination to the group of compounds wherein Y is N, R⁶ is optionally substituted 1,2,4-oxadiazole, and R^{2a}, R^{2b}, R^{3a}, R^{3b}, R⁷ - R⁹, R^b and R^a represent nonheterocyclic groups as set forth in claim 1. While Applicants disagree with the Examiner regarding the restriction requirement, in the interest of compact prosecution Applicants have nevertheless amended the claims, without prejudice, to the examined subject matter.

Rejection under 35 USC 112, second paragraph

Claims 1, 8, 9, 12 and 19 stand rejected as allegedly being indefinite; the Examiner objects to the use of the phrase "and pharmaceutically acceptable salts." The above amendment obviates this ground of rejection, and its withdrawal is respectfully requested.

In view of the Examiner's indication of allowable subject matter and the amendment and remarks presented above, Applicants believe the application is now in condition for allowance. An early favorable action is respectfully requested. Any additional fees associated with this Amendment may be charged to Merck Deposit Account No. 13-2755.

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Respectfully submitted,

By Mollie M. Yang, Reg. # 32718/
Mollie M. Yang
Reg. No. 32,718
Attorney for Applicants
Merck & Co., Inc.
P.O. Box 2000
Rahway, NJ 07065-0900
(732) 594-6343

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